

## **DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

### *DIVISION OF FLORIDA HIGHWAY PATROL*

## **STANDARDS OF CONDUCT GUIDELINES**

### **PURPOSE**

It is the policy of the Department that disciplinary measures be administered to its employees only when there is just cause to do so. In furtherance of this policy, management will communicate the conduct standards expected of its employees with the objective of correcting unacceptable or undesirable behavior, which is counterproductive or contrary to the Department's efficiency, effectiveness or ability to serve the public. Disciplinary measures will be administered in a progressive manner, where indicated, with the objective of modifying or correcting an employee's behavior and thereby assisting the employee in becoming a more valuable resource to the Department. This policy is applicable to employees who have attained permanent status in the Career Service. The Department is not required to administer discipline under this rule for probationary employees.

### **AUTHORITY FOR DISCIPLINARY ACTIONS**

A specific type of disciplinary action may be taken by supervision within the authority delegated by the Executive Director of the Department of Highway Safety and Motor Vehicles. The severity of the disciplinary action, which may be administered by each level of supervision, is dependent on the seriousness of the offense and may be taken after consultation with the next highest level of supervision. The types of disciplinary actions, which may be taken within the scope of this policy, are oral reprimand, written reprimand, suspension and dismissal.

### **DEFINITIONS**

- A. Counseling** - A discussion between the employee and the supervisor whenever the supervisor notices that an employee is failing to adhere to the agency's official or expected conduct standards. It is a measure used by a supervisor to correct an employee's inappropriate conduct with the objective that the conduct will not be repeated and that disciplinary action will not become necessary. (Counseling is not considered disciplinary action for the purpose of progressive discipline).
- B. Progressive Discipline** - A systematic approach to discipline in which the penalty for violation of a conduct standard will increase in severity each time the employee repeats a violation of the same disciplinary offense.

- C. Cumulative Discipline** - Prior offenses for which an employee has been disciplined may be used to determine the severity of the action to be taken for the current offense being considered even though the prior offense(s) may not be the same as the current offense. In such situations, more than the minimum called for under the offense violated will be used. An employee must have been warned in writing in advance that the agency contemplates using cumulative discipline for future violations.
- D. Oral Reprimand** - The least severe type of disciplinary action for violation of the Department's conduct standards. It is usually administered after counseling has not been effective in correcting the undesirable conduct. It entails a verbal discussion by the supervisor with the employee specifying the conduct standard(s) violated, the employee's act(s), which violated the standard, and the corrective behavior required.
- E. Written Reprimand** - Disciplinary action for violation of the Department's conduct standard(s), which is more severe than an oral reprimand but does not involve leave without pay as in the case of a suspension. It usually, but not necessarily in all cases, follows a prior oral reprimand. If warranted, it may be given for a first violation. It entails a written memorandum to the employee specifying the conduct standard(s) violated, the employee's act(s), which violated the standard(s), the corrective conduct required, and a warning that any future violations will result in further and possibly more severe disciplinary action.
- F. Suspension** - Disciplinary action, which may be, administered for violation(s) of the Department's conduct standards, usually following one or more written reprimands, which is more serious than an oral or written reprimand. It may also be imposed as the first disciplinary action following the commission of certain serious violations. This disciplinary action temporarily relieves the employee of duties and places the employee on leave without pay for a specified period.
- G. Dismissal** - The most severe form of disciplinary action which may be taken by the Department for violation(s) of the Department's conduct standard(s). This action separates the employee from the Department and is used in the case of a major offense or as the final step in the progressive and cumulative discipline procedures.
- H. Notice of Proposed Action** - As provided in Section 110.227(5)(a), Florida Statutes, an employee who is subject to suspension or dismissal shall be given a minimum of ten days written notification by certified mail and/or personal delivery of the Department's intent to suspend or dismiss the employee.
- I. Predetermination Conference** - As provided by Section 110.227(5)(a), Florida Statutes, an employee who is subject to

suspension or dismissal shall be given the opportunity to appear before the Departmental official or the official's designee authorized to take the action, to answer orally and in writing the charges against the employee. The instructions for requesting the conference will be contained in the notification to the employee of the proposed action to suspend or dismiss.

- J. Notice of Final Action** - An employee shall be given written notification by certified mail and or personal delivery of the Department's decision to proceed with the suspension or dismissal within five workdays before or after the date, the action is effective. The instructions for appealing or grieving the action shall be contained in the notification to the employee of the action to suspend or dismiss.
- K. Extraordinary Action** - As provided by Section 110.227(5)(b), Florida Statutes, in extraordinary situations where the retention of a permanent Career Service employee would result in damage to property, would be detrimental to the best interest of the state, or would result in injury to the employee, a co-worker or some other person, such employee may be suspended or dismissed by the Executive Director or other designated official without giving advance notice. In these extraordinary situations, the employee being suspended or dismissed must be advised by the Department's representative verbally and in writing of the charges, necessitating the action and the employee shall be given an opportunity at that time to explain or refute the charges. The employee shall be advised at that time whether the Department will proceed with the suspension or dismissal and the right to appeal the action to the Public Employees Relations Commission or, if covered, grieve under the pertinent collective bargaining contract. A certified copy of the Department's written notification shall be mailed to the employee within 24 hours of the effective date of the action.
- L. Inability to Perform Assigned Duties** - Failure to meet the minimum performance standards or qualifications that specifically relate to an employee's duties and responsibilities. This is not considered disciplinary action and will be handled in accordance with Section 110.227, Florida Statutes.
- M. Standards of Conduct Guidelines** - The following disciplinary offenses and penalties are established as guidelines to insure that the Department is being consistent in taking disciplinary actions. The penalty for each occurrence of an offense is normally the minimum imposed. The severity of the penalty may vary depending upon, but not limited to, the impact of the violation upon the ability of the employee to perform assigned duties, especially as it relates to credibility, trustworthiness and integrity. When one of the following offenses takes place off the job, the offense must have a direct relationship to the employee's ability to perform his job duties in order for disciplinary action to be taken.

## DHSMV MANAGEMENT MANUAL POLICY #3.06

### RULES OF CONDUCT

DISCIPLINARY OFFENSE	DEFINITION	FIRST VIOLATION	SECOND VIOLATION	THIRD VIOLATION	FOURTH VIOLATION
<b>Absent Without Authorized Leave</b>	An employee's absences from work due to: (1) failure to obtain permission in advance to be absent from work; (2) failure to follow procedures for reporting absence from work; or (3) misrepresentation (falsification) of the need for leave to cover the employee's absence.	Written Reprimand to Dismissal	3-Day Suspension to Dismissal	Dismissal	
<b>Abuse or Destruction of State Property or Equipment</b>	Abuse or destruction of state property or equipment	Written Reprimand to 1-Day Suspension	3-Day Suspension to Dismissal	Dismissal	
<b>Chargeable Crash With Agency Vehicle:</b>					
(a) Minor Violation	A chargeable crash, which is caused by a slight negligence, or carelessness, which does not have the potential for serious injury.	Written Reprimand	1-Day Suspension	3-Day Suspension to Dismissal	Dismissal
(b) More Serious Clear-Cut Violation	A chargeable crash, which is caused by greater negligence, or carelessness, which has the potential for serious injury or damage.	Written Reprimand	1-Day to 3-Day Suspension	3-day Suspension to Dismissal	Dismissal
(c) Extreme Violation	A chargeable crash, which is caused by driving in a reckless or irresponsible manner, or with gross disregard for the safety of persons or property, or a crash, which exhibits willful abuse of authority.	2-Day Suspension to Dismissal	3-Day Suspension to Dismissal	Dismissal	
	Chargeable crashes, which occurred more than three years prior to the current crash, will not be considered for the purpose of progressive discipline. Upon reviewing the circumstances surrounding a traffic crash, which occurred in an agency vehicle, the department may require training to reinforce an employee's driving knowledge and skills. The first two minor crashes within three years will normally result in counseling in lieu of discipline.				
<b>Conduct Unbecoming a Public Employee</b>	Conduct, whether on or off the job that adversely affects the employee's ability to continue to perform the duties of his or her current job, including an act which violates decency and morality, which discredits the department, or which adversely affects the department's ability to carry out its assigned mission.	3-Day Suspension to Dismissal	Dismissal		

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<b>Conviction of Any Crime Other Than Minor Traffic Violations</b>	Any conviction for a crime involving moral turpitude, a felony, or misdemeanor, which directly affects the employee's ability to perform his or her job. Conviction includes judicial acceptance of a plea of guilty, nolo contendere, finding guilt, notwithstanding suspension of sentence, or withholding of judgment.	3-Day suspension to Dismissal	Dismissal		
<b>Cowardice (Uniformed Members of the FHP)</b>	Lack of courage displayed by a sworn member of the Florida Highway Patrol in performing assigned duties or complying with a reasonable order, which relates to an employee's job performance.	3-Day Suspension to Dismissal	Dismissal		
<b>Disclosing Police Informant's Name to Unauthorized Persons</b>	Unauthorized disclosure by an employee of a person's name, which has been used confidentially by police authorities to obtain information or evidence on the illegal activities of others.	3-Day Suspension to Dismissal	Dismissal		
<b>Excessive Absenteeism</b>	An attendance record of recurring absences, even though all or a majority of the absences were necessary and authorized. This also includes a pattern of absences by an employee such as consistent absences on the day preceding or following the employee's regular days off or absence on the same day of each week or month, or the use of leave as soon as it is earned. The supervisor has the right to expect employees to be available to perform work with reasonable degree of regularity. The supervisor must then determine whether the absences are adversely affecting the employee's work. Consequently, even legitimate absences can become excessive to the point that corrective action must be taken.	Oral Reprimand	Written Reprimand	3-Day Suspension	Dismissal
<b>Failure of Sworn Employee to Maintain Weight Control</b>	Failure to comply with the weight limits for FHP sworn members may be dealt with through the disciplinary process. Prior to consideration of disciplinary action for a violation of this standard, the affected member shall be provided an opportunity to seek assistance in weight reduction through the Members Assistance Program (MAP). If an employee elects to participate in the Department's MAP and fails to adhere to the treatment plan, disciplinary action may be taken. Dismissal actions for this violation will be considered only when there is evidence of a medical examination and a finding by a licensed medical physician that the employee is unable to perform his or her duties due to the overweight condition.	Oral Reprimand	Written Reprimand	3-Day Suspension	Dismissal

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<b>Failure to Perform Job Duties</b>	The willful: (1) failure to complete a specific assignment or duty that is expected as a part of the employee's job or, (2) performance of such task at a substandard level.	Written Reprimand to 3-Day Suspension	3-Day Suspension to Dismissal	Dismissal	
<b>Failure to Report the Revocation or Suspension of Driver License</b>	Failure by an employee to notify the supervisor immediately of the revocation or suspension of his or her license when driving is a job-related function.	3-Day Suspension	Dismissal		
<b>Failure to Report and Turn in Without Delay, All Properties or Evidence Seized, Found or Taken Officially</b>	Failure to care for, control, report, process and turn in all property, which may come into an employee's possession in the course of official duties in accordance with prescribed policies and procedures. When the evidence or property consists of firearms, jewelry, currency, negotiable securities or other such items which by their nature can be or are easily converted to personal use or gain, these factors will be considered as an aggravating factor and used in the determination of degrees of discipline.	Written Reprimand to Dismissal	3-Day Suspension to Dismissal	Dismissal	
<b>Falsification of Records</b>	An intentional act of misrepresentation, falsification or omission of any material fact, whether oral or written, on such records as, but not limited to, time and attendance (leave); employment status; employment application; travel vouchers; driver licenses; identification (ID) card applications; work and production records; licenses or certificates. Such records shall include, but not be limited to, records or documents of an official nature such as court testimony, leave and attendance reports, affidavits, sworn statements, citations, written warnings, and correction cards.	3-Day Suspension to Dismissal	Dismissal	Dismissal	
<b>Fighting</b>	A hostile encounter with another person, which involves blows being struck or other personal violence.	3-Day Suspension to Dismissal	Dismissal		
<b>Gambling</b>	Playing a game for money or other thing of value. Gambling is forbidden on departmental property or while on duty.	Written Reprimand to 3-Day Suspension	3-Day Suspension to Dismissal	Dismissal	

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<b>Giving False Testimony</b>	Knowingly giving a false statement under oath in an official or unofficial proceeding.	3-Day Suspension to Dismissal	Dismissal		
<b>Harassment – Sexual, Racial, Religious, National Origin and Handicapped</b>	Slurs, derogatory statements, discriminating remarks, or other verbal or physical conduct of a discriminatory nature (sexual, racial, religious, national origin, and handicapped) which are offensive and objectionable to the recipient and have the purpose or effect of interfering with the recipient's job performance.	3-Day Suspension to Dismissal	Dismissal		
<b>Horseplay</b>	Actions which, even though intended to be mischievous or prankish, disrupt or have the effect of disrupting the work of the participants, including other employees and members of the public.	Oral Reprimand	Written Reprimand	3-Day Suspension	Dismissal
<b>Improper or Unauthorized Use of state Property or Equipment</b>	Use of any state property, credit cards, telephone system, or equipment for any purpose other than official state business. Restitution may be required.	Written Reprimand to Dismissal	3-Day Suspension to Dismissal	Dismissal	
<b>Improper Political Activity</b>	Participation in any political campaign while on duty or using or attempting to use one's official position as an employee to influence a campaign or political activity as defined by DHSMV Management Policy #3.08, or violation of the laws of Florida or the United States in regard to political activity by public employees.	Written Reprimand	3-Day Suspension	Dismissal	
<b>Improper Uniform or Untidy Person while of Duty</b>	Failure of uniformed employees to maintain their uniforms in a neat and clean condition or failure to repair and/or replace a damaged uniform.	Oral Reprimand	Written Reprimand	3-Day Suspension	Dismissal
<b>Insubordination</b>	Deliberate refusal to obey a reasonable order given by a supervisor, which relates to an employee's job function. Includes both an expressed refusal to obey a proper order, as well as a deliberate failure to carry out an order.	Written Reprimand to 1-Day Suspension	3-Day Suspension to Dismissal	Dismissal	
<b>Interfering With an Official Investigation</b>	Any attempt to interfere with an official investigation that would include but not be limited to coercion of witnesses or parties involved, withholding or destruction of evidence or any other material facts or tangible items that would be relevant to the investigation. An official investigation is any criminal or administrative investigation by	5-Day Suspension to Dismissal	Dismissal		

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	a law enforcement agency, including the Florida Highway Patrol, or any investigation conducted by a division of the department pursuant to its duties and responsibilities. An FHP Investigation is any investigation for which a case number or complaint number has been assigned or any investigation ordered by the Director of the Florida Highway Patrol or the Executive Director of the Department of Highway Safety and Motor Vehicles.				
<b>Leaving the Work Station Without Authorization</b>	Absence from the work area or duty assignment during a work period without permission of the appropriate supervisor. Includes leaving a work area for a lunch or rest break prior to or at the end of work schedule without proper authorization when such permission is a specific requirement.	Written Reprimand	3-Day Suspension	Dismissal	
<b>Loafing</b>	Continued and deliberate idleness during work periods, which results in the employee's failure to perform assigned tasks. This includes, but is not limited to, deliberately wasting time, engaging in idle talk or gossip or conducting personal business during work periods.	Oral Reprimand	Written Reprimand	3-Day Suspension	Dismissal
<b>Maltreatment of Prisoner or Others</b>	Use of corporal punishment, neglect, or physical abuse to a person under custody or being detained.	Dismissal			
<b>Negligence</b>	Failure to use ordinary or reasonable care in, or the omission of or inattention to, the performance of assigned duties and responsibilities. Negligence is synonymous with carelessness, signifies lack of care, caution, attention, diligence, or discretion, and includes the loss of state property and equipment.	Written Reprimand to 3-Day Suspension	3-Day Suspension to Dismissal	5-day Suspension to Dismissal	Dismissal
<b>Possession, Sale, Transfer or Use of Alcohol or Drugs On the Job</b>	The possession, sale distribution or use of alcoholic beverages or nonprescribed or illegal drugs on state property and/or during work activities and/or while using a state vehicle. Includes the unlawful use of controlled substances, the unlawful possession, or sale of alcohol or controlled substances, and the storage or bringing into any Department facility or premises alcohol or controlled substances. It should be noted that an employee may be disciplined for any criminal law violation associated with alcohol or substance abuse. However, the possession or storage of alcohol or controlled substances which are required to be possessed, sold, or transferred in the performance of official duties, or held as evidence, or are prescribed drugs for illness of the employee does not constitute a	3-Day Suspension	Dismissal		



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	violation of this offense. Note: Sworn law enforcement officers or duty officers will be dismissed for the unlawful possession, use, sale, or transfer of drugs as defined in the Florida Statutes.				
<b>Possession, Sale, Transfer or Use of Drugs Off the Job*</b>	The possession, sale, distribution or use of nonprescribed or illegal drugs. Includes the unlawful use of controlled substances, the unlawful possession or sale of controlled substances, and the storage or bringing into any Department facility or premises alcohol or controlled substances. It should be noted that an employee may be disciplined for any criminal law violation associated with alcohol or substance abuse. However, the possession or storage of alcohol or controlled substances which are required to be possessed in the performance of official duties, or held as evidence, or are prescribed drugs for illness of the employee does not constitute a violation of this offense. Note: Sworn law enforcement officers or duty officers will be dismissed for the unlawful possession, use, sale, or transfer of drugs as defined in the Florida Statutes.	3-Day Suspension	Dismissal		
<b>Sleeping on Duty</b>	Failure of an employee to remain awake while on duty.	Written Reprimand to 1-Day Suspension	3-Day Suspension to Dismissal	Dismissal	
<b>Soliciting or Accepting any Gift, Loan, Gratuity or Money for Improper Purposes</b>	Soliciting or acceptance of any gratuity, loan, bribe, promise of future employment, favor or service that would cause the employee to be influenced in the exercise of official duties or that is based on an understanding that any official action or judgment of the employee may be influenced thereby.	Dismissal			
<b>*In instances of use of alcohol or illegal drugs, refer to the Department's Drug-Free Workplace Policy (Management Manual Policy #053 #3.07).</b>					
<b>Striking or Related Concerted Activity</b>	The concerted failure of employees to report for duty; the concerted absence of employees from their positions; the concerted stoppage of work by employees; the concerted abstinence in whole or in part by any group of employees from the full and faithful performance of the duties of employment with a public employer for the purpose of inducing, condoning, or coercing a change in the terms and conditions of employment of the rights, privileges, or obligations of public employment, or participating in a deliberate and concerted course of conduct which adversely affects the services of the public	Dismissal			

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	employer; the concerted failure of employees to report to work after the expiration of a collective bargaining agreement; and picketing in furtherance of a work stoppage.				
<b>Tardiness</b>	Failure to follow established work schedules. Includes reporting late at the beginning of the work schedule, or returning late from lunch or rest breaks, all without advance approval. However, failure to report to work within 2 hours of the beginning of the workday without advance approval shall constitute "Absence without Authorized Leave", and the appropriate penalty will be applied thereto.	Oral Reprimand	Written Reprimand	3-Day to 5-Day Suspension	Dismissal
<b>Theft</b>	Unauthorized taking of another's property, including the property of the state, other employees, or a member of the public.	Dismissal			
<b>Unauthorized Distribution of Written or Printed Material of Any Description</b>	Employees are prohibited from soliciting or distributing petitions or literature for any purposes other than official business (excluding agency endorsed fund drives) on departmental property or at any other place while on duty. Employees are permitted to solicit and distribute literature or materials during their free time (nonworking hours) provided such solicitation is not in work areas and does not involve other employees who are working. Nonworking time includes lunch periods and rest periods.	Oral Reprimand	Written Reprimand	3-Day Suspension	Dismissal
<b>Unauthorized Solicitation or Sales on State Property</b>	Solicitation of an employee or a member of the public by another employee, including the distribution of material, for any purposes not specifically authorized by the state while the employee who is soliciting is on duty.	Oral Reprimand	Written Reprimand	3-Day Suspension	Dismissal
<b>Under the Influence of Alcohol or drugs While On The Job*</b>	Reporting to the job, drinking or taking drugs on the job, or in any manner being under the influence of alcoholic beverages, illegal drugs, or any chemical or controlled substance is prohibited. Note: Sworn law enforcement officers or duty officers will be dismissed for the unlawful possession, use, sale, or transfer of drugs as defined in the Florida Statutes.	3-Day Suspension to Dismissal	Dismissal		

\*In instances of use of alcohol or illegal drugs, refer to the Department's Drug-Free Workplace Policy (management Manual Policy #053 #3.07 ).

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<b>Unlawful or Careless Use or Display of a Weapon</b>	Possession of an unauthorized weapon while on duty or on the Department's premises or while in Department vehicles is prohibited. This also covers any violation of a department or division policy concerning the use, possession or display of weapons.	1-Day Suspension to Dismissal	3-Day Suspension to Dismissal	Dismissal	
<b>Using Threatening, Profane or Abusive Language To Others</b>	General swearing, profanity, and obscenities, threatening language or insults, including racial, sexual, ethnic or religious insults. The misconduct may be directed by an employee toward a supervisor or a fellow employee, or the public when an employee has to deal with the public, or by a supervisor toward an employee.	Written Reprimand to 3-Day Suspension	3-Day Suspension to Dismissal	Dismissal	
<b>Violation of Statutory Authority, Rules, Regulations, or Policies</b>	An act, which is a violation of statute, agency rule, regulation, or policy that has been made known to the employee.	Oral Reprimand to 3-Day Suspension	Written Reprimand to 5-Day Suspension	3-Day Suspension to Dismissal	Dismissal
<b>Withholding Information on Wanted Persons</b>	Failure by an employee to report information important to the apprehension of a person who is the subject of an arrest warrant, capias or pick up order by a judge or magistrate.	Dismissal			